

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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ALLEN PAYETTE,

Plaintiff,

v.

BOB DICKMAN;  
and SETH WISKOW,

Defendants.

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ORDER

07-cv-242-bbc

In this civil action brought pursuant to 42 U.S.C. § 1983, plaintiff Allen Payette is proceeding to trial on his claim that defendants Bob Dickman and Seth Wiskow were deliberately indifferent to his mental health needs in violation of the Eighth Amendment. Although he is represented by counsel, on August 10, 2009, plaintiff filed a motion requesting to appear in person at his upcoming pretrial conference and a motion to reconsider this court's denial of his motion to amend his witness list to include an additional expert. Because plaintiff is represented by counsel, only counsel may file motions and other papers in the case.

However, even if I considered plaintiff's motions, they would be denied. With respect

to his request to appear in person, plaintiff has filed this request four days before the conference. It is far too late for this court to issue an order allowing plaintiff to be present at the pretrial conference. Regardless, plaintiff's counsel has filed a notice that plaintiff will appear by telephone, insuring that plaintiff will be able to hear and speak at the proceedings. With respect to his motion to reconsider, plaintiff contends that he informed counsel when he first filed his witness list that his psychiatrist, Dr. Harry, should be on the list. Plaintiff's initial witness list was filed on February 17, 2009. Dkt. #77. If plaintiff was aware that his doctor was missing from the list in February, he should have told his attorney to amend the list then and insured that the list was actually amended. Although plaintiff argues that he will be unfairly prejudiced by not including Dr. Harry as an expert witness, it was plaintiff's responsibility to make sure that his doctor was on the witness list. For the foregoing reasons, plaintiff's motions will be denied.

ORDER

IT IS ORDERED that plaintiff's Allen Payette's motions to appear in person for the pretrial conference on August 13, 2009, dkt. #161, and to reconsider this court's August 4, 2009 order denying his motion to amend his witness list, dkt. #162, are DENIED.

Entered this 12th day of August, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge